

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JEAN M. KEAYS,

Plaintiff,

vs.

**Civil Action No. 1:04-CV-863
(TJM/DEP)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**Thomas J. McAvoy,
Senior United States District Judge**

DECISION and ORDER

This matter was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report and Recommendation dated December 18, 2006 (“Report-Recommendation”), Magistrate Judge Peebles recommended that Defendant’s motion for judgment on the pleadings be granted, that the Commissioner’s determination of no disability be affirmed, and that Plaintiff’s Complaint be dismissed in all respects. No objections to the Report and Recommendation have been lodged.

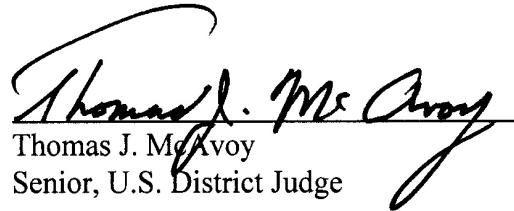
After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein.

Therefore, Defendant’s motion for judgment on the pleadings is **GRANTED**, the

Commissioner's determination of no disability be **AFFIRMED**, and that Plaintiff's Complaint is **DISMISSED in all respects.**

IT IS SO ORDERED.

Dated: March 21, 2007



Thomas J. McAvoy
Senior, U.S. District Judge